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Chairperson: Ms. Picco (Monaco)

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The meeting was called to order at 3.05 p.m.

Agenda item 140: Administration of justice at the United Nations (*continued*) (A/65/86, A/65/303, A/65/304 and A/65/373)

1. **Mr. Gonzales** (Monaco) said that his delegation welcomed the improvements made under the new system of administration of justice, in particular the reduction in the time required to adjudicate cases. The new system had not only produced gains in efficiency, but had also won the trust of staff members. Nevertheless, it remained somewhat weak in certain areas. For example, the Office of Staff Legal Assistance was understaffed, the existing staff lacked experience and the Office's resources were insufficient to meet the growing demand for its services. Moreover, some of the concerns raised by the General Assembly in its resolution 64/233 had not been adequately addressed. That was true, in particular, of the issue of remedies available to non-staff personnel. While the report of the Secretary-General (A/65/373) highlighted the difficulties inherent in the various options mentioned in the resolution, the basic issue of recourse mechanisms for such personnel remained unresolved.

2. The report of the Internal Justice Council (A/65/304) drew attention to the matter of ad litem judges. While that option had facilitated the transition from the old system of internal justice to the new one, favourable consideration should be given to making the ad litem positions permanent, as recommended by the Council, in order to ensure both the independence of the judges and the effectiveness of their actions. His delegation would participate in the activities of the Working Group on administration of justice at the United Nations with a view to consolidating the significant progress made under the new system and resolving the difficulties that would inevitably arise.

3. **Mr. Kim** Hyungjun (Republic of Korea), also welcoming the implementation of the new administration of justice system, said that his delegation, too, was aware that additional steps were needed to ensure independence, professionalism and accountability under the new system. To that end, the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal should be adopted, as it would set standards for the judges and staff of the two Tribunals and would also foster greater confidence in the internal justice system. In addition, the efforts to develop a web-based case management system should continue.

4. Effective remedies for non-staff personnel were needed in order to preserve the credibility and transparency of the United Nations. His delegation was of the view that a separate dispute resolution mechanism was required, since granting such personnel access to the Tribunals would create difficulties because their terms and conditions of service differed from those of staff. At the same time, all possible use should be made of informal dispute resolution in order to avoid unnecessary litigation.

5. **Mr. Christian** (Ghana) said that his delegation was gratified to note that the Secretary-General's positive assessment of the new system of administration of justice was shared by the independent Internal Justice Council. He was also pleased to observe the strong emphasis placed in the various reports on the need to safeguard the institutional and individual independence of all role players. Equally important was ensuring that all role players discharged their responsibilities with due diligence and integrity, without which the values of impartiality, professionalism, transparency, independence and accountability would be compromised. Ghana therefore welcomed the code of conduct for the judges of the two new Tribunals. Consideration should be given to drafting similar codes of conduct for other role players.

6. His delegation also welcomed the steps taken to promote the principle of open hearings in all locations of the Dispute Tribunal and thus to establish uniform practices and standards. The principle of equality of arms should be taken seriously as well, in order to promote a sense of fairness and balance between management and staff. His delegation had noted the Secretary-General's proposals for amending the statutes of the Tribunals and would express its views on them in due course. Care should be taken to ensure that any amendments eventually adopted did not compromise the essential independence or discretionary powers of judges or the interests of parties in pending cases.

7. Ghana welcomed the publication of "A guide to resolving disputes" and the development of a website providing access to all judgements of the Tribunals, which would serve as tools for educating staff and management about their rights and obligations and as guides to the Tribunals' interpretation of the relevant

rules, thereby improving the conduct of management and staff, fostering best practices and minimizing administrative disputes. The quality of the justice rendered by the new system would turn not only on the expertise and experience of the judges and other professionals who staffed it, but also on the availability of adequate resources to sustain it. In addition, rigorous standards must be introduced to discourage frivolous cases. Ghana looked forward to working with other Member States in the Working Group in order to forge consensus on outstanding issues, such as the scope of the new system, and to put in place a system that would stand the test of time.

8. **Mr. Stuerchler** (Switzerland) said that his delegation applauded the significant progress made towards an independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice and was particularly pleased that the new system enjoyed the confidence of staff. Every person who worked for the United Nations, including both staff and non-staff personnel, should have access to an independent dispute resolution body. Although none of the recourse options analysed in the Secretary-General's report (A/63/373) seemed suitable for addressing the grievances of non-staff personnel adequately and cost-efficiently, the mechanisms available in the new internal justice system could be an appropriate choice in many cases. As the main objective of the reform had been to create a better system of internal justice, his delegation was encouraged by the fact that the new Tribunals had modified previous jurisprudence of the United Nations Administrative Tribunal in some areas and was confident that the consistency of their jurisprudence would increase as the new system matured. Obviously, that jurisprudence must be in line with the legal foundations of the Organization as set out in the Charter and relevant resolutions.

9. **Mr. Hameed** (Pakistan), applauding the progress made in updating and decentralizing the administration of justice system, said that the launch of a website to provide information about the internal justice system was a welcome development. His delegation looked forward to the launch of a web-based case management system, as well. The coherence and efficiency of the system in the long run and its ability to clear the backlog of pending cases and handle the growing volume of new ones must be ensured. To that end, the legal offices in Nairobi, Beirut, Vienna and other places must have adequate resources to enable them to carry out the tasks assigned to them.

10. **Mr. Sayeed** (India) said that, consistent with the Organization's emphasis on human rights and the rule of law, the system of administration of justice at the United Nations must be independent, transparent, impartial and efficient. He was confident that the new system satisfied those requirements. His delegation was pleased to note that the new system was meeting the expectations of both staff and management and that it had greatly reduced the time required for the resolution of cases, as justice delayed was justice denied. The welcome increase in the use of the system was a reflection of the staff's confidence that their grievances would be addressed professionally, fairly and in a timely manner. The code of conduct for the judges of the Tribunals, with its core principles of independence, impartiality, integrity, propriety, transparency, fairness in the conduct of judicial proceedings, and competence and diligence, would further strengthen users' confidence in the impartiality of the system, bolster the judges' ability to deal with internal grievances and disciplinary cases in a professional manner and ensure judicial accountability, an important facet of judiciary independence.

11. The Secretary-General's report indicated that there had been a marked improvement in informal resolution of grievances under the new system. Efforts in that direction should be strengthened further. His delegation would welcome a report from the United Nations Ombudsman on the matter.

12. Unquestionably, all members of the United Nations workforce should have access to justice. His delegation was flexible on the question of how best to provide such access, however, and was willing to consider all the various possible recourse mechanisms for non-staff personnel put forward in the reports of the Secretary-General and the Internal Justice Council. The Office of Staff Legal Assistance should be strengthened with a view to ensuring that no one was left without recourse.

13. His delegation looked forward to participating in the work of the Working Group in order to address crucial outstanding issues, including the scope of the new system, the question of whether staff associations might file applications before the United Nations Dispute Tribunal, complaints against judges, delegation

of authority for disciplinary measures and the independence of the Management Evaluation Unit.

14. **Mr. Simonoff** (United States of America) said that the adoption of General Assembly resolution 63/253 had been a landmark achievement for the administration of justice at the United Nations and a milestone in the reform of the Organization. His delegation was impressed by the professionalism and productivity of the new system. The two new Tribunals were already having a significant positive impact on the transparency, fairness, efficiency and accountability of the United Nations personnel system.

15. The Secretary-General's report raised a number of important issues concerning the work of the two Tribunals and other aspects of the new system, including the relevance of the jurisprudence of the United Nations Administrative Tribunal, the scope of the Secretary-General's discretion, the production of confidential United Nations documents, the scope of the jurisdiction and competence of the Dispute Tribunal and the harmonization of proceedings before it, among others. All of those issues merited careful consideration, as did the matter of recourse mechanisms for non-staff personnel. His delegation shared the Secretary-General's view that adding the cases of non-staff individuals to the jurisdiction of the Dispute Tribunal would be detrimental to the new system, but believed that it would be premature to take any decision on the matter at present, given the challenges associated with the various options examined by the Secretary-General in his report. It would be best to focus on the issues identified by the Secretary-General in relation to the implementation of the new system before resolving the challenging and complex question of how to handle cases involving non-staff personnel.

The meeting rose at 3.45 p.m.